THE CENSUS BILL.

Mr. Subba Aiyar:—

"Sir,

I beg to introduce a Bill to make certain provisions regarding the taking of the Census that is to come off in 1921. The Bill has been already published in the Gazette. It is purely a non-contentious measure. It follows mainly Regulation II of 1086 and the corresponding British Indian Act. The main provisions of the Bill are intended to enable the Government to appoint any persons to take, or supervise the taking of, the census. They make it obligatory upon certain classes of persons to perform the duties of census officers, with reference to persons under their charge or control. The Bill is a short one and I do not think it necessary to explain the further details of the Bill. I therefore beg to move that the principle of the Bill be affirmed."

Seconded by Dr. Kunjan Pillai.

Carried.

Mr. Subba Aiyar:—

"The Bill is an urgent measure. The next meeting of the Council is likely to come off only in Mithunam or Karkadagom. The Census itself is to be begun early in 1921. It is highly necessary that the Bill should be passed as early as possible. Further, as I have already said, the Bill is also a non-contentious measure and does not therefore require reference to a Select Committee. For these reasons, I beg to move that the operation of the rules regarding the appointment of the Select Committee to consider the Bill be suspended and the Bill taken up for consideration at once."

Seconded by Mr. Raman Menon.

Carried.

CLAUSE 4.

Mr. Subba Aiyar:—

"I beg to move that the following be added as sub-clause 1 (b), the remaining sub-clauses being re-numbered :—

"(b) Every person (except a pilot or harbour master) having charge or control of a vessel."

The object of the amendment is to make it obligatory upon persons who have charge or control of motor boats and steam launches carrying passengers in Travancore, to do, if so required, the duties of a census officer. It is only with their assistance that the final enumeration of persons travelling in these conveyances could be properly done."

Seconded by Mr. Raja Raja Varma.

Carried.

Mr. Subba Aiyar:—

"Sub-clause (1) (a) of Clause 4 makes it obligatory upon every person in the service of Government to do certain acts connected with the census, if so required by the District Magistrate. In sub-clause (b), the words 'Lunatic Asylum' have been used, but the words prison, reformatory and lock-up' have been omitted. No doubt, these are always under the control of an officer of Government and may come within sub-clause (a). But when we have included 'Lunatic Asylum' in sub-clause (b), which is also a Government institution – and I believe there is none under private management – the omission of the above words is liable to be misconstrued. We shall therefore have to delete 'Lunatic Asylum' in sub-clause (b), or include 'prison, reformatory or lock-up' in that sub-clause."

President.—"There may be a private asylum. There was one at Parur; but it is not now in existence. I think we may add the words 'prison, reformatory or lock-up' in sub-clause (b) rather than delete the words 'Lunatic Asylum."

Mr Subba Aiyar:—

"I believe so. Sub-clauses (a) and (b) need not be mutually exclusive. I therefore move that the words "prison, reformatory, or lock-up" be inserted between 'work house' and 'or' in line 1 of sub-clause (b) of Clause 4 (1)."

Seconded by Mr. Rajaram Rao.

Carried.

CLAUSE 10.

Mr. Subba Aiyar:—

"According to the Regulation, a duty is imposed upon the occupier of a house to render all possible assistance in connection with the taking of census. It may be that the census officer will be in possession of important information affecting the individual who is under an obligation to give the necessary assistance to the census officer. It is therefore proposed to provide that the officer should not divulge such information without the previous sanction of Government. I therefore propose that the words 'or without the previous sanction of Our

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Government discloses any information which he has received by means of or for the purposes of a census return' be added at the end of sub-clause (b)"

Seconded by Mr. Nidiry.

Carried.

The consideration of the Bill being over, Mr. Subba Aiyar moved that the Bill as settled by the Council be read again on a future day of which notice should be given..

Seconded by Mr. G. Parameswaran Pillai.

Carried.

THE FOREST REGULATION AMENDMENT BILL.

Mr. Subba Aiyar:—

Sir,

I beg to present the report of the Select Committee on the Forest Regulation Amendment Bill. At the time of introducing the Bill, I explained to the Council how the various amendments in the Bill bore upon the provisions of the Regulation and how they were absolutely necessary. Some of the non-official Members objected to some of the provisions of the Bill and the Bill was referred to a Select Committee. The objections to the Bill were carefully considered by the Committee, and out of deference to the wishes of the non-official Members, the Bill was considerably modified by the Committee. I find that there are very many amendments to be moved today. I do not therefore think it necessary to make any comment upon the Select Committee's report. I think it will be enough if I explain the position of the Select Committee as each amendment is moved. I therefore beg to move that the Bill, as revised by the Select Committee, be taken up for consideration at once".

Seconded by Mr. Raman Menon.

Carried.

CLAUSE 1.

Mr. Kayalam Parameswaran Pillai, in moving that the Clause be deleted, spoke as follows:—

"Sir,

"I beg to move that this Clause be deleted entirely and that the existing definition of "forest produce" be retained. In introducing the Amendment Bill, the learned Mover, Mr. Subba Aiyar, said that this new definition does not (by its operation) create any new forest offence or add to the list of forest offences already created and that its object is only to make the meaning originally intended by the Legislature clear. In my humble opinion, the new definition of "forest produce" which includes in it timber of royalties *wherever* found *is* an innovation, an unnecessary innovation, and in any event, fraught with dangerous consequences. The result of it, as I shall presently explain to you, is only to place a dangerous weapon in the hands of the Forest and Police Departments, which may, with facility and impunity, be used to harass innocent people.

In considering this question, we have to bear in mind that there are two sorts of offences with respect to timber and forest produce created by the Forest Law, which have to be kept distinct. The one is the *transport* of timber or forest produce without a pass (created by Section 33 of the Regulation and the rules passed thereunder), and the other is the mere *possession* of royal trees or of any forest produce which is a royalty [created by Section 34 (c)]. It is to this latter that I would draw the special attention of the Council in this debate. Section 34 (c) reads thus:—

"Whoever is found in possession of such trees [*i. e.* royal trees] or of any forest produce which is a royalty, without having honestly obtained it, shall on conviction before a Magistrate be liable to imprisonment which may extend to six months or fine which may extend to five hundred rupees or to both."

It will be noticed that, under it, it is not an act or commission that is made penal. The mere passive state of being in possession is sufficient to convict the possessor unless he can show (and the burden of it is on him) that he came by it honestly. This provision is an extraordinary enactment and the like of it you do not find either in the Indian Forest Act or the Madras Forest Act which is taken as the model in many respects. It is with reference to this extraordinary penal provision that the definition of "forest produce" is sought to be revised so as to bring more things under it, that is to say, to make the possession of even still further things penal. As the learned Mover has told the late Council, the High Court has ruled, with reference to the above mentioned Section 34 (c), that the mere possession of sawn materials of teak wood is not an offence, as the Section provides only for the illicit possession of *trees* (but not timber) and of forest produce, and as sawn materials cannot be said to be *trees* and, though timber, cannot yet be "forest produce", under the definition thereof, without *evidence* of the timber having been *found in* or *brought from*, a forest. This ruling appears to have created a flutter in the dovecotes of the Forest Department, and they have requested Government to make the mere possession of even timber of royal trees, wherever found, penal; and my learned friend, the Mover, therefore, to achieve that end, seeks to amend the definition of "forest produce" and wants to make royal timber a forest produce, wherever found, be it

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